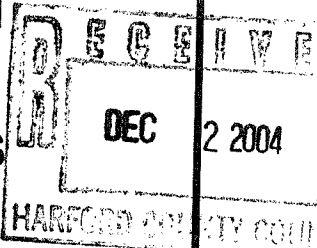


STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014



Case No. 5462
Date Filed 11/29/04
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

CASE 5462 MAP 60 TYPE Variance

ELECTION DISTRICT 01 LOCATION 1919 Old Joppa Rd, Joppa 21085

BY Cheryl & David Sponaule

Appealed because a variance pursuant to Sec. 267-34C, Table II of the Harford

County Code to allow the enclosure of an existing carport within the required 20' side
yard setback (7' proposed) in the Ag District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Cheryl & David Sponaule Phone Number 410-879-3965
Address 1919 Old Joppa Rd Joppa MD 21085
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1919 Old Joppa Rd
Joppa, MD 21085

Subdivision N/A Lot Number _____

Acreage/Lot Size .78 Election District 01 Zoning AG

Tax Map No. 60 Grid No. 2E Parcel 60 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: house with carport
2 - sheds

Estimated time required to present case: 1/2 hr.

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

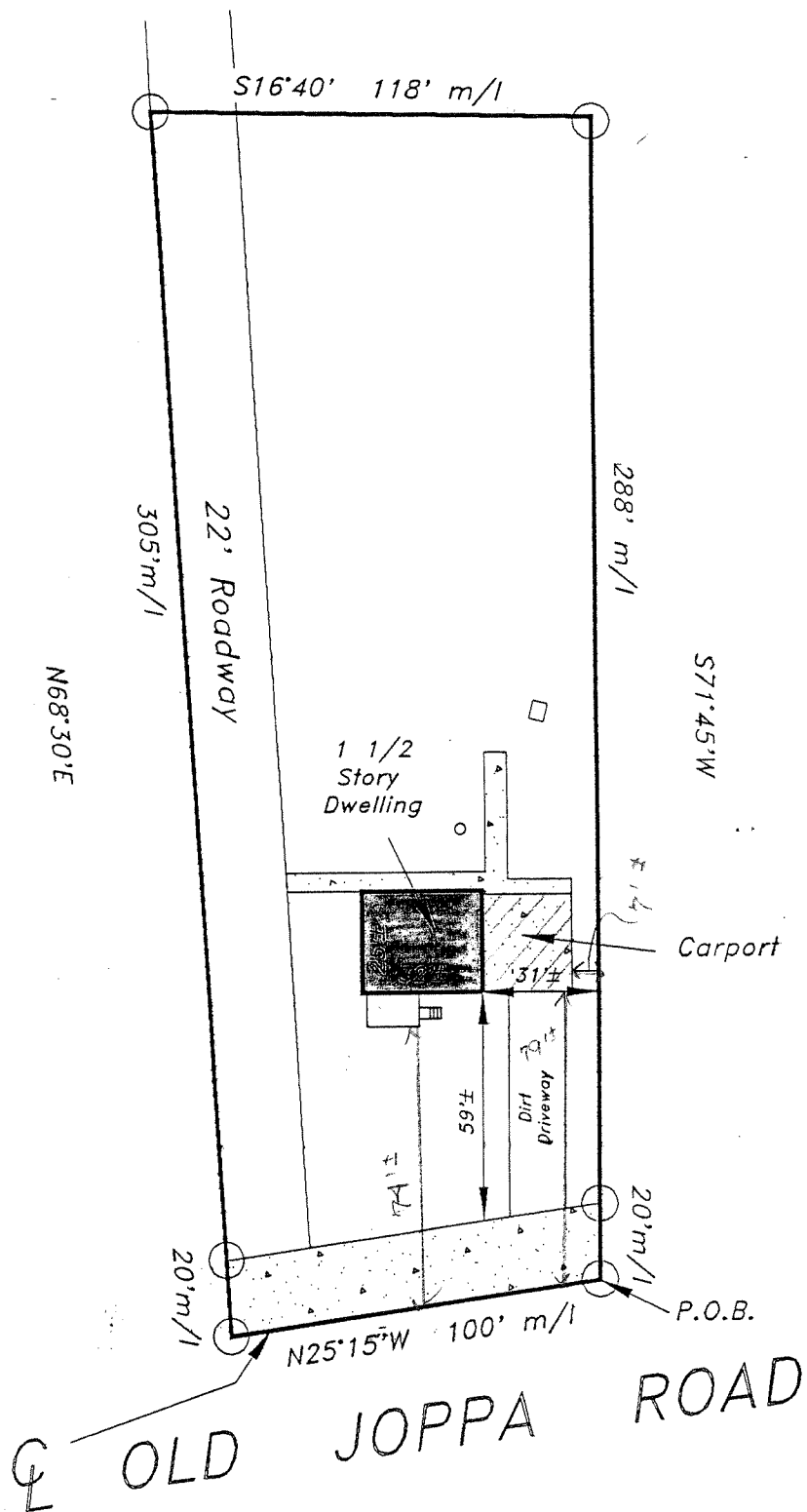
Request

Enclose carport for use as a garage
Structure is approx 7' from side lot line

Justification

Carport was existing when we purchased
the property in 1989
Well in back & septic in front would conflict
with changing the driveway in order to build
detached garage. Existing carport would have to be
torn off. Property has 22' access for house behind.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



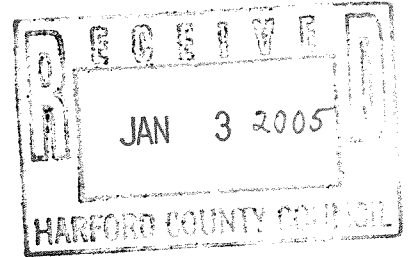
J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 20, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5462

APPLICANT/OWNER: Cheryl and David Sponaugle
1919 Old Joppa Road, Joppa, Maryland 21085

REPRESENTATIVE: Applicants

LOCATION: 1919 Old Joppa Road
Tax Map: 60 / Grid: 2E / Parcel: 60
Election District: First (1)

ACREAGE: 0.78 of an acre

ZONING: AG/Agricultural

DATE FILED: November 29, 2004

HEARING DATE: January 12, 2005

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Enclose the carport for use as a garage. Structure is approximately 7-feet from side lot line."

Justification:

"Carport was existing when we purchased the property in 1989. Well in back and septic in front would conflict with changing the driveway in order to build detached garage. Existing carport would have to be torn off. Property has 22-foot access for house behind."

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5462

Cheryl and David Sponaule

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow the enclosure of an existing carport within the required 20-foot side yard setback (7-feet proposed) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the southwest area of the County, south of Jerusalem Road on the east side of Old Joppa Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects parks, stream systems, sensitive species project review areas, Maryland Environmental Trust Easements, Agricultural Preservation Districts and Easements. The subject property is located in the Agricultural designation, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. This area of the County is predominantly Agricultural with cropland, pastureland and areas of dense woodland. The topography of the area ranges from rolling to steep especially near the stream valleys. Residential uses include single family dwellings and mobile homes. There are institutional uses in the area and a golf course. Enclosed with the report is a topographic map of the area and the aerial photograph (Attachments 6 and 7).

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Board of Appeals Case Number 5462

Cheryl and David Sponaule

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The property is a long narrow lot situated on the east side of Old Joppa Road. There is a 22-foot road way shown on the Applicants' site plan that serves a residence to the rear. The subject lot slopes up from the road to the rear lot line. Improvements consist of a frame 2-story dwelling with an attached 2 car carport that is in need of repair. The rear yard is fenced and sitting to the rear of the dwelling are 2-frame sheds. The driveway is blacktopped. The existing septic system is located to the front of the house and the well to the rear. The front of the lot is open and contains the existing improvements while the rear is densely wooded. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification in this area is AG/Agricultural. There are some areas of RR/Rural Residential zoning. The subject property is zoned AG/Agricultural as shown on the enclosed zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow the enclosure of an existing carport within the required 20-foot side yard setback (7-feet proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The carport appears to have been constructed sometime between 1957 and 1967. Therefore, it has existed for over 30 years, without having any impact on the adjacent properties. The location of the septic system and the well area prohibit the construction of a garage in the front or rear of the dwelling. There is a 22 foot right-of-way easement on the left side of the lot, which makes the proposed location of the garage the most practical area. The carport is in need of repair and the Applicants want to enclose it to create a 2-car garage. The garage should have no additional impact on the adjacent property than the existing carport. The dwelling closest to the proposed garage is situated at least 30-feet behind the Applicants' dwelling.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

STAFF REPORT

Board of Appeals Case Number 5462

Cheryl and David Sponaugle

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1. The Applicants shall obtain all necessary permits and inspections for the construction of the garage.
2. The garage shall not come any closer to the property line than the existing carport.
3. The Applicants shall provide landscaping between the garage and the property line. A landscaping plan must be submitted to the Department of Planning and Zoning for approval prior to the issuance of a building permit for the garage.
4. The garage shall not be used in the further of a business.
5. The garage shall not be used for motor vehicle repair or for the storage of commercial vehicles and/or contractor's equipment.

 ^{JF}

Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf